



## DECLARATION AND POWER OF ATTORNEY

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our name, that we believe are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery, of which a copy of the specification filed January 30, 2004 as U.S. Serial No. 10/769,034 is attached, entitled:

### **A STERICALLY STABILIZED CARRIER FOR AEROSOL THERAPEUTICS, COMPOSITIONS AND METHODS FOR TREATING DISEASES OF THE RESPIRATORY TRACT OF A MAMMAL**

We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that we do not know and do not believe that said invention, design or discovery was ever known or used in the United States of America before our invention or discovery thereof, or patented or described in any printed publication in any country before our invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that said invention, design or discovery has not been patented or made the subject of an inventor's certificate issued prior to the date of this Application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns; and that we acknowledge our duty to disclose information of which we are aware which is material to patentability in accordance with 37 C.F.R. §1.56 (a).

We hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NONE

We hereby claim the benefit under 35 U.S.C. §120 of the United States provisional application listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C §112, we acknowledge the duty to disclose material information as defined 37 C.F.R. §1.56 (a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Serial Nos. 60/498,546 and 60/498,609 both filed 8/28/03

We hereby appoint: F. Lindsey Scott, Reg. No. 26,230 our attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications based thereon in any foreign country or before any international authorities under the Patent Cooperation Treaty; and we request that all correspondence and telephone calls be directed to Customer Number 33526 at:

LAW OFFICES OF F. LINDSEY SCOTT  
2329 Coit Road, Suite B  
Plano, Texas 75075

F. Lindsey Scott  
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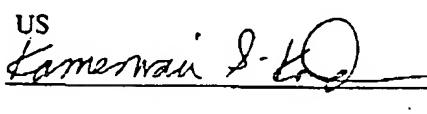
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Inventor: Kameswari S. Konduri  
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Citizenship:

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Inventor's Signature:

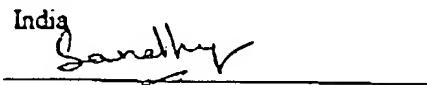
 Date: 5/20/04

Second Inventor: Sandhya Nandedkar  
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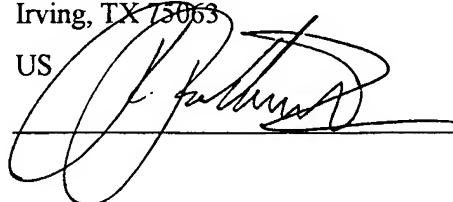
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6/29/04